

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE DANIEL FREEMONT

Defendant.

CR-22-75-GF-BMM

ORDER

Defendant Shane Freemont (Freemont) appeared before United States Magistrate Judge John Johnston on February 21, 2023, and entered a plea of guilty to one count of Sexual Abuse as charged in the Indictment. Judge Johnston entered Findings and Recommendations on February 21, 2023. (Doc. 32.) Judge Johnston determined: (1) that Freemont was fully competent and capable of entering an informed and voluntary plea; (2) that Freemont was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) that Freemont understood his constitutional rights, and the extent to which she was waving those rights by pleading guilty; and (4) that Freemont's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offenses charged in the Indictment. Judge Johnston recommended that this Court accept Freemont's plea

of guilty to the criminal charge set forth in the Indictment, and that sentence be imposed. Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court has set the sentencing for June 22, 2023 at 10:00 a.m. in Great Falls, MT.

Accordingly, **IT IS ORDERED:**

1. Freemont's Motion to Change Plea (Doc. 26) is **GRANTED**.
2. The Court will defer acceptance of the Plea Agreement (Doc. 28) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 31st day of March, 2023



Brian Morris, Chief District Judge
United States District Court